

MEMORANDUM FOR:

[Redacted]

(Ex. Reg.) JBC  
6/18

Action taken by C/NIC:

Attached memo to Otho Eskin NOT  
sent. Simple concurrence phoned in to  
Eskin's office 4:15pm 18 June 82 by

[Redacted]

NID/AL

for C/NIC

Date 6/18/82

GPO : 1981 O - 345-783

ROUTING AND TRANSMITTAL SLIP		Date
		18 June 1982
TO: (Name, office symbol, room number, building, Agency/Post)		Initials Date
1. D/OGI		JL 18 JUN 1982
2.		
3. DDI		RG 18 JUN 1982
4. Executive Registry (Attn: [redacted])		
5. [redacted] C/NIC		
Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

They are attempting to hand deliver this to State Department this evening. Please call them for a pickup once Mr. McMahon has signed off.

Thank you

[redacted] O/DDI

DO NOT use this form as a RECORD of approvals, concurrences, disposals, and similar actions

[redacted]	Room No.—Bldg.
	2609 HQS
	Phone No.

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

**Memorandum for:** DDI

Bob:

The attached memorandum is a formal Agency response to the revised SIG Report to the President on LOS. An earlier draft version was submitted for your review and concurrence on 14 June.



Director,

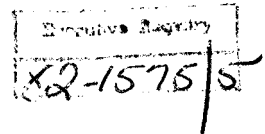
**O G I**

Office of Global Issues

**SECRET**

DDI- 5031/82/1

18 June 1982



MEMORANDUM FOR: Director of Central Intelligence  
Deputy Director of Central Intelligence

Chairman, RICC

VIA: Deputy Director for Intelligence  
Director of Global Issues

FROM:   
Chief, Geography Division, OGI

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SUBJECT: Agency Response to the Revised Senior Interagency Group  
Report to the President on the Law of the Sea

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1. Action Requested: Your signature is sought on the attached memorandum to the State Department, stating Agency overall concurrence in and views on the final Senior Interagency Group (SIG) Report to the President on the Law of the Sea (LOS), also attached. This response is due by COB Friday, 18 June. This memorandum also summarizes for your information the results of the SIG meeting of 15 June, where an earlier version of this Report to the President was revised. A follow-up SIG meeting, to review agency positions and recommendations is planned for 22 June at 3:30 p.m. in Room 7516 at the Department of State.

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2. Background: Negotiations at the LOS Conference concluded on 30 April with the overwhelming adoption of a Convention over US objections. The Convention, by and large, meets US security and navigational needs, but falls far short of meeting the President's six basic objectives for a deep seabed mining regime. Backed by the 125 developing countries, the Treaty undoubtedly will be signed by a large number of states at the signing ceremony in Caracas in December, but ultimate ratification by the major maritime and industrial states is uncertain. A treaty-in-force without big power ratifications would be of little value.

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The key to the success of the Convention, then, is the attitude of our industrial allies and the Soviet Bloc. Most of the States in these two groupings appear poised to sign the Convention but they probably will be reluctant to ratify until they see which way the political winds blow. It is also difficult to assess the prospects for success of a Reciprocating States Agreement (RSA) to serve as an alternative regime for seabed mining among states that intend to sponsor seabed miners. The United States, France, West Germany, and the United Kingdom have enacted supporting legislation but the three European states may be reluctant to initial the RSA and thereby draw the ire of the developing countries. Without the participation of these states, other Western states are not likely to join such a pact.

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SUBJECT: Agency Response to the Senior Interagency Group Report to the President on the Law of the Sea ☐

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3. Results of the SIG Meeting: The Draft Report to the President was cleared by the SIG for passage to the National Security Council (NSC) on 16 June, but not before segments of the document were discussed in detail and, in some instances, revised. Of note was an agreement by the SIG that in the short run there is a far better prospect of negotiating an informal "alternative seabed arrangement" with our allies than crafting a permanent "legal regime" with them to serve as an underpinning for future seabed mining activities. Also discussed was the possibility of last-minute foreign assistance in altering the seabed texts of the Convention to improve the prospects for US signature. ☐

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4. Recommendations: From an intelligence viewpoint the Report to the President adequately describes the current situation facing the United States in the aftermath of the official negotiating phase of the LOS Conference. The document appropriately presents for Presidential decision those significant issues which must be addressed by the agencies that will pursue US oceans interests for the foreseeable future. The issues, accompanied by our suggested positions, are:

Issue 1: Should the United States decide to sign the LOS Convention as adopted by the Conference?

Since the seabed mining texts of the Convention fail to meet the President's six objectives, the CIA believes the Convention, on balance, falls short of the minimum level required to obtain US signature.

Issue 2: Should a decision on signing be made now or be deferred?

CIA would note that the US's industrial allies do not wish to damage their relations with the developing countries over the seabed mining issue and, thus, would prefer to keep a low profile on their negotiations with the United States on the proposed Reciprocating States Agreement. Therefore, it would seem prudent to defer the decision not to sign the Convention until later in the year and thereby free our Allies of the burden of developing country criticism leveled at their ongoing talks with a state that had openly rejected the UN LOS Treaty.

Issue 3: Should the United States discontinue all further participation in the LOS Conference process or take part in the Drafting Committee and informal plenary and the Caracas Session?

It would be appropriate, in our opinion, for the United States to participate in the concluding events of the Conference and thus be in a position to protect the favorable navigational provisions of the Treaty should any challenges to these provisions arise.

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SUBJECT: Agency Response to the Senior Interagency Group Report to the President on the Law of the Sea ☐

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Issue 4: Should the United States sign the Final Act at Caracas and participate in the Preparatory Commission?

CIA believes that a decision on this issue should be delayed until Fall when the United States would likely be better informed with regard to our allies and the Soviet's intentions concerning signature of the Convention and consequent participation in the Preparatory Commission.

Issue 5: Should the United States encourage efforts to amend the text of the LOS Convention?

The CIA is unable to corroborate, or to disprove, the allegations that selected States are considering amendments to the seabed texts of the Convention to improve the prospects for US signature.

We recommend that the attached memorandum stating the Agency's viewpoints on the several LOS issues for decision be forwarded by OOB today, 18 June, to Mr. Otho Eskin, Director of the Office of Ocean Law and Policy (OES/OLP), Department of State, Room 4321, telephone number 632-9098. ☐

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Attachments:

1. Memorandum to Mr. Eskin from DDCI ☐
2. Revised SIG Report to the President on the Law of the Sea ☐

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